



BENNET SUSSER, ESQ.
Admitted in NY, NJ and PA
Direct Dial: 973-845-7644
E-mail: bennet@jmslawyers.com

Florham Park - Main Office
30B Vreeland Road, Suite 100
Florham Park, NJ 07932
Tel: 973-845-7640
Fax: 973-845-7645

New York
420 Lexington Avenue
Suite 300-19
New York, NY 10170
Tel: 646-205-8038

Red Bank
280 Route 35, Suite 401
Red Bank, NJ 07701
Tel: 732-978-1920, ext 301
Fax: 732-852-2973

Princeton
252 Nassau Street
Princeton, NJ 08542
Tel: 609-373-6226
Fax: 973-845-7645

May 19, 2020

Via E-Filing

Honorable Valerie E. Caproni, U.S.D.J.
United States District Court
Thurgood Marshall United States Courthouse
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007-1312

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 05/19/2020

Re: *Cellucci et al. v. O'Leary et al. (S.D.N.Y. Civ. No. 1:19-cv-02752-VEC)*

Dear Judge Caproni:

MEMO ENDORSED

This letter is submitted on behalf of all Plaintiffs with respect to our filing of the Second Amended Complaint, and the Clerk's deficiency notice received yesterday afternoon.

At the time of the filing on Friday, my administrative assistant advised me that she was unable to proceed with the filing unless she named all defendants, including Defendants Stephen M. Fleming, Esq., Fleming, PLLC, Evan J. Costaldo, Esq. and Costaldo Law Group, P.C. who were not included in the caption of the Complaint.

We unsuccessfully tried to reach the CM/ECF help desk by telephone (likely because they are working from home). My administrative assistant and I have sent emails to the help desk and are hopeful that they will be able to guide us through addressing their issues. However, in advance of doing so, they have required that the Court permit us to do a corrective filing.

Accordingly, we respectfully request an opportunity to refile the identical papers in the manner directed by the CM/ECF help desk. The only issue is that we have no way of knowing when the help desk will get back to us. Accordingly, we further respectfully request an opportunity to do the re-filing within a reasonably anticipated time period.

We thank the Court for its courtesies and consideration.

Plaintiff is given leave to re-file the second amended complaint as soon as is practicable, but no later than **May 25, 2020**. Defendants' time to respond shall commence from the date of the re-filing.

Respectfully submitted,

BENNET SUSSER

SO ORDERED.

Date: 05/19/2020

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE